



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 13, 1995

Ms. Sandra C. Joseph
Open Records Counsel/ Disclosure Officer
Office of the Comptroller
L.B.J. State Office Building
111 East 17th Street
Austin, Texas 78774

OR95-1222

Dear Ms. Joseph:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32486.

The Comptroller of Public Accounts (the "comptroller") received a request for a copy of certain transcripts. You assert that the comptroller may withhold the requested transcripts from required public disclosure pursuant to sections 552.101 and 552.103 of the Government Code.

Section 552.101 excepts from required public disclosure information that is confidential by law, including information made confidential by judicial decision. You raise this exception in conjunction with the common-law right to privacy. Information may be withheld under section 552.101 in conjunction with the common-law right to privacy if the information contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and if the information is of no legitimate concern to the public. *See Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977).

We agree that the requested transcripts are protected from disclosure based on common-law privacy. *See Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.--El Paso 1992, writ denied). Accordingly, the comptroller must not release the transcripts based on section 552.101 of the Government Code.¹

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 32486

Enclosures: Submitted documents

cc: Ms. Lori Halvorson
107 Clarks Grove Lane
Hutto, Texas 78634
(w/o enclosures)

¹Having concluded that the comptroller must withhold the requested information based on section 552.101, we need not consider your section 552.103 claim.